

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

Involuntary Chapter 11 Case

NAVIENT SOLUTIONS, LLC,

Case No. 21-10249 (MG)

Alleged Debtor.

NOTICE OF APPEAL

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PLEASE TAKE NOTICE that the petitioning creditors LaBarron Tate, Sarah Bannister and Brandon Hood (together, “Petitioning Creditors”) hereby appeal to the United States District Court for the Southern District of New York from each and every part of the following Orders entered by the Bankruptcy Court in connection with the above-captioned involuntary Chapter 11 bankruptcy case: (a) an Order, entered February 25, 2021, styled by the Bankruptcy Court as an “Order Granting (A) Expedited Motion To Dismiss Involuntary Petition And (B) Related Relief” [a copy of said Order is annexed hereto as Exhibit A]; (b) an Order, entered March 8, 2021, styled by the Bankruptcy Court as a “Memorandum Opinion Granting Alleged Debtor’s Motion To Dismiss Involuntary Petition” [a copy of said Order is annexed hereto as Exhibit B]; (c) an Order, entered March 12, 2021, styled by the Bankruptcy Court as an “Order denying motion for reconsideration” [a copy of said Order is annexed hereto as Exhibit C]; and (d) an interlocutory Order, entered February 19, 2021, styled by the Bankruptcy Court as an “Order denying letter requests” [a copy of said Order is annexed hereto as Exhibit D], which is brought up for appellate review on the appeal of the foregoing Orders annexed hereto in Exhibits A-C.

PLEASE TAKE FURTHER NOTICE that, to the extent the foregoing Orders annexed hereto in Exhibits A-D contain factual findings and/or conclusions of law in

connection with relief sought by the Alleged Debtor Navient Solutions, LLC (“Alleged Debtor”) seeking (a) to dismiss this involuntary Chapter 11 case as having allegedly been filed in bad faith by Petitioning Creditors and/or their counsel of record and/or (b) to impose damages under 11 U.S.C. 303(i) on Petitioning Creditors and/or their counsel of record for having allegedly filed this involuntary Chapter 11 case in bad faith (together, the “Bad Faith Relief”) - - as well as the denial of a motion timely filed on March 11, 2021, on behalf of Petitioning Creditors and/or their counsel of record, seeking, *inter alia*, to alter, amend, reverse, vacate and/or reconsider the Bad Faith Relief - - counsel of record for Petitioning Creditors, to wit: Austin C. Smith, Esq. individually and Mr. Smith’s law firm Smith Law Group LLP, also appeal to the United States District Court for the Southern District of New York from each and every part of the foregoing Orders in Exhibits A-D that contain findings of fact and/or conclusions of law in connection with the Bad Faith Relief.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 13 of the Rules for the Division of Business among District Judges in the United States District Court for the Southern District of New York, Petitioning Creditors and, where applicable, their counsel of record (together, “Appellants”) hereby designate this bankruptcy appeal as related to a first-filed civil case by the same three persons (who are also the Petitioning Creditors, with the same counsel of record, in the second-filed case that is the subject of the bankruptcy appeal) which has not yet been adjudicated on the merits and is pending before The Honorable Mary Kay Vyskocil in the United States District Court for the Southern District of New York, with a case caption of LaBarron Tate, Sarah Bannister and Brandon Hood (Plaintiffs) against Steven T. Mnuchin, in his official capacity as the

Secretary of the Treasury, The United States Treasury Department, in its sovereign capacity, and Brian P. Brooks, in his official capacity as the Acting Comptroller of the Currency (Defendants), Case Number 20-cv-4458 (MKV) (the “Related First-Filed Case”) and, in connection therewith, Appellants are herewith filing a Related Case Statement (and accompanying Civil Cover Sheet) disclosing their contention of relatedness between the Related First-Filed Case and the bankruptcy appeal. See Exhibit E annexed hereto.

Dated: March 26, 2021
New York, New York

Respectfully submitted,

Smith Law Group LLP

By: /s/ Austin C. Smith
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CERTIFICATE OF SERVICE

On March 26, 2021, I, Austin C. Smith, did serve this notice of appeal with exhibits by electronic service through the Court’s electronic filing/service system upon all counsel registered to receive ECF notice for the alleged debtor Navient Solutions, LLC herein during this case.

/s/ Austin C. Smith